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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,506	02/24/2004	Eduard K. de Jong	P-9177	3998
24209	7590	09/08/2005		
GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			EXAMINER MAI, THIEN T	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,506	Applicant(s) DE JONG, EDUARD K.	
	Examiner Thien T. Mai	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the specification fails to supply complete serial numbers for the cross-references and related applications (see paragraph 0001). However, Examiner is providing herein the numbers which are respectfully required to be verified by Applicant.

Attorney Docket No. SUN-P9176 has serial number of 10/786,763,

Attorney Docket No. SUN-P9178 has serial number of 10/786,895, and

Attorney Docket No. SUN-P9179 has serial number of 10/786,312.

Appropriate correction is respectfully requested.

Drawings

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim(s) 1-31 rejected under 35 U.S.C. 102(e) as being anticipated by Saltz (20050138354).

Regarding claims 1-3, 5-6, 9-11, 20, Saltz discloses a method for installing an application onto a smart card comprising:

- Providing an application identifier (AID) having at least one customization parameter (figs. 3A-3H, Specification par. 0064-0067) relating to resource attributes, such as JavaCard management context or system environment, available to the application (Fig. 5, Specification par. 0072), cryptographic facilities (abstract, Specification par. 0019, 0044), and level of level of service (Specification par. 0049)
- Instantiating the application onto the card (Specification par. 0047, 0064) by calling a method (Fig. 5, Specification par. 0039, 0072).
- Storing the AID as a byte array (Fig. 3E) for the application (Specification par. 0066) onto the card that comprises an AID interpreter performing the AID storing (Fig. 2).
- Configuring the application (Specification par. 0040, 0050, 0069, Figs. 3A-8)

Regarding claim 4, Saltz discloses configuring the application comprises accessing the stored AID and extracting at least one customization parameter such as firewall security with an AID interpreter (Figs. 5-9, Specification par. 0047).

Regarding claim 7, Saltz discloses storing AID for the application in the runtime environment which is performed as part of initialization of the application (figs. 3A-3H).

Regarding claim 8, Saltz discloses package-based Java applets conform to the JavaCard API (Specification par. 0013-0014, 0047).

Regarding claim 12, Saltz discloses an install facility including Java Card Runtime Environment (Fig. 2) operable to instantiate Java Card applets onto the smart card (Specification par. 047) and store the AID having at least one customization parameter for the application onto the card (Fig. 2, 3A-3H).

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Regarding claims 13-19, see discussion regarding claims above.

Regarding claim 21, Saltz discloses a computer program product Java Card Runtime Environment (Fig. 2) comprising instructions on a card medium, wherein said instructions when loaded into a card cause the card to install an application in form of packaged applets (Specification par. 0047) by providing an application identifier (AID) for the application; instantiating the application; storing the AID; and configuring the application (see discussion regarding claims above).

Regarding claims 22-31, see discussion regarding claims above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien T. Mai whose telephone number is 571-272-8283. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thien T Mai
Examiner
Art Unit 2876

TM



**THIEN M. LE
PRIMARY EXAMINER**